

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendment, newly presented claims 12-14 will have been added. Accordingly, claims 3 and 12-14 are currently pending. Applicants respectfully request reconsideration of the outstanding rejection and allowance of claims 3 and 12-14 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over BURGESS et al. (U.S. Patent Appl. Pub. No. 2003/0114853) in view of LAVENDER (U.S. Patent No. 6,016,592).

However, Applicants note that BURGESS et al. and LAVENDER fail to teach or suggest the subject matter claimed in claim 3. In particular, claim 3 sets forth a rod connector including, inter alia, “a connector main body swingably attached to a shank, said connector main body comprising a recess configured to engage part of a spherical end portion of the shank, part of said spherical end portion extending outside of said recess in a direction towards the shank; a rod supporting portion provided in the connector main body and configured for supporting a rod; and a pressure fixing device for pressure fixing the rod to the rod supporting portion of the connector main body, wherein the rod supporting portion comprises convex portions at both ends of the rod supporting portion, each convex portion comprising a sharp distal end configured to be embedded into the rod”.

Applicants' claimed invention includes a pressure fixing device to fix and support the rod 7. The pressure fixing device includes a pair of convex portions 25, 25. Each convex portion 25 includes a sharp distal end that eats into the rod. Further, the convex portions are positioned at both

ends of the rod supporting portion 9 and rod pressing portion so that there is a convex portion 25 having a sharp distal end provided in a projecting manner positioned at both ends of the rod supporting portion 9 and the rod pressing portion 13. In other words, the convex portions with sharp distal ends thereon are positioned at both ends of the rod in a longitudinal direction. See particularly figures 5A and 5B. Figure 5B shows an enlarged view of one of the convex portions 25 with the sharp distal end at an end of the rod supporting portion 9.

Additionally, in Applicants' claimed invention, each sharp distal end includes a surface that is substantially normal to the rod supporting surface. Further, the rod supporting portion extends in a longitudinal direction that supports the rod along the longitudinal direction of the rod, and each convex portion further includes a convex surface that projects in the longitudinal direction of the rod supporting portion, with the convex portions projecting away from each other in opposite directions.

The BURGESS et al. device includes a main body 76 swingably attached to a shank 68, a rod supporting portion for supporting a rod 12, and a pressure fixing device 34. As recognized by the Examiner, the BURGESS et al. patent fails to teach or suggest convex portions at both ends of the rod supporting portion, with each convex portion comprising a sharp distal end to be embedded in the rod, as set forth in claim 3.

The LAVENDER patent is directed to a pipe coupling tool including a top plate 112. The top plate 112 includes a sharp edge 122 therein for gripping a pipe. See particularly figures 2 and 7. However, as clearly shown in these figures, the sharp edge 122 has a substantially circular shape with the sharp edge forming a *concave* shape. The top plate 112 with the sharp edge does not include a convex portion. Further, the top plate 112 and sharp edge 122 do not include a convex portion with

a sharp distal end. In this regard, there is no sharp *distal end*. Moreover, the LAVENDER device does not include convex portions positioned at *both ends* of a rod supporting portion. Thus, contrary to the Examiner's assertions, the LAVENDER patent fails to teach or suggest a rod connector including, *inter alia*, a connector main body swingably attached to a shank; a rod supporting portion; and "a pressure fixing device for pressure fixing the rod to the rod supporting portion of the connector main body, wherein the rod supporting portion comprises convex portions at both ends of the rod supporting portion, each convex portion comprising a sharp distal end configured to be embedded into the rod", as set forth in claim 3. Therefore, the LAVENDER patent fails to cure the deficiencies of the BURGESS et al. device, and even assuming, *arguendo*, that the teachings of BURGESS et al. and LAVENDER have been properly combined, Applicants' claimed rod connector would not have resulted from the combined teachings thereof.

Further, there is nothing in the cited prior art that would lead one of ordinary skill in the art to make the modification suggested by the Examiner in the rejection of claim 3 under 35 U.S.C. § 103(a) over BURGESS et al. in view of LAVENDER. Thus, the only reason to combine the teachings of BURGESS et al. and LAVENDER results from a review of Applicants' disclosure and the application of impermissible hindsight. Accordingly, the rejection of claim 3 under 35 U.S.C. § 103(a) over BURGESS et al. in view of LAVENDER is improper for all the above reasons and withdrawal thereof is respectfully requested.

Applicants submit that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in newly submitted claims 12-14.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of claims 3 and 12-14.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the proposed amendment is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 3 and 12-14. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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